

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-283

12 **BRIAN DONALD MINSTER**
13 **729 Decatur Street Apt. 3**
14 **Bakersfield, CA 93308**
Registered Nurse License No. 537286

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15
16 Respondent.

17
18 FINDINGS OF FACT

19 1. On or about November 2, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, filed Accusation
21 No. 2012-283 against Brian Donald Minster (Respondent) before the Board. (Accusation attached
22 as Exhibit A.)

23 2. On or about September 30, 1997, the Board issued Registered Nurse License No.
24 537286 to Respondent. The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought in Accusation No. 2012-283 and will expire on January 31, 2013,
26 unless renewed.

1 3. On or about November 2, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2012-283, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
6 which was and is:

7 729 Decatur Street Apt. 3
8 Bakersfield, CA 93308

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On November 29, 2011, the aforementioned documents were returned marked
13 "Attempted-Not Known".

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
22 2012-283.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2012-283, finds
2 that the charges and allegations in Accusation No. 2012-283, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$ 2,185.00 as of November 30, 2011.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Brian Donald Minster has
9 subjected his Registered Nurse License No. 537286 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board is authorized to revoke Respondent's Registered Nurse License based upon
12 the following violations alleged in the Accusation which are supported by the evidence contained
13 in the Default Decision Evidence Packet in this case.:

14 a. Violation of Business and Professions Code section 2761 (a), for unprofessional
15 conduct, in that Respondent committed violent criminal acts upon his wife on June 5, 2010,
16 which resulted in the filing of felony criminal charges in the Kern County Superior Court.

17 ///

18 ///

19 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED July 5, 2012

Attachment:
Exhibit A: Accusation No. 2012-283

Exhibit A

Accusation No. 2012-283

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804
E-mail: Antonio.Lopez@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-283**

13 **BRIAN D MINSTER**
729 Decatur Street, Apt. # 3
14 Bakersfield, CA 93308

A C C U S A T I O N

15 **Registered Nurse License No. 537286**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about September 30, 1997, the Board of Registered Nursing issued Registered
24 Nurse License Number 537286 to Brian D Minster (Respondent). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2013 if not renewed.

27 ///

28 ///

1 9. The alleged acts unfolded as follows: the victim was asleep in bed when her
2 husband, Respondent, woke her by hitting her in the face several times with a metal flashlight.
3 During the attack, Respondent yelled at her, saying "Where are my fucking pills, bitch?" The
4 victim believes Respondent was referring to Xanax, which she has a prescription for and
5 Respondent does not. The victim stated Respondent steals her Xanax from her all the time. As
6 the victim attempted to get away, Respondent jumped on top of her and with both hands and
7 began to strangle her. As she was losing consciousness, Respondent stated that "he was going to
8 kill her." The victim then lost consciousness. She was woken up by her son who had come into
9 the bedroom and pulled Respondent off of the victim. The victim discovered that she had
10 urinated on herself during the attack.

11 **CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 10. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
14 the grounds of unprofessional conduct in that Respondent committed violent criminal acts upon
15 his wife on June 5, 2010, as more fully described in paragraphs 8 and 9 above.

16 **DISCIPLINARY CONSIDERATIONS**

17 11. On or about July 10, 1995, Respondent submitted an application for licensure by
18 examination. To the question "Have you ever been convicted of ANY offense other than a minor
19 traffic violation?", Respondent answered "Yes." Respondent disclosed a prior conviction related
20 to a December 24, 1988 arrest where he took a friend's amphetamine pill. Subsequently,
21 Respondent was ordered into a drug diversion program.

22
23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:


26 1. Revoking or suspending Registered Nurse License Number 537286, issued to Brian D
27 Minster;
28

1 2. Ordering Brian D Minster to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
5

6
7 DATED:

November 2, 2011


for LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

11 LA2011501873
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28